

Appl. No. 10/502,049
Amendment dated: July 24, 2007
Reply to OA of: July 30, 2004

REMARKS

Applicants have amended the specification and the claims to more particularly define the invention in view of the outstanding Official Action. The specification has been amended to replace the Abstract of the Disclosure as requested in the Official Action and correct the position of X. Accordingly, it is most respectfully requested that the objection to the abstract be withdrawn.

All of the claims have been canceled from the application without prejudice or disclaimer and a new claim set provided. The use claims have been replaced by method of treatment claims and the substituents more particularly defined as fully supported by the specification as originally filed and as would be interpreted by one of ordinary skill in the art to which the invention pertains. Claims 14-28 are now present in the application and parallel the previous claims. Applicants most respectfully submit that all of the claims now present in the application are in fully compliance with 35 USC 112 and are clearly patentable over the references of record.

The rejection of claims 1-9 under 35 U.S.C. 101 for the reasons set forth on page 2 of the outstanding Official Action has been carefully considered but is most respectfully traversed in view of the amendments to the claims. The use claims have been canceled and replaced with method claims which requires administering to a patient an effective amount of the compound. A patient includes someone who is susceptible to the treatment in order to include prophylactic use. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claims 10-13 under 35 U.S.C. 112, first paragraph, for lack of enablement has been carefully considered but is most respectfully traversed in view of the following comments. Applicants submit that the amendment to the claims refer to the definition of the sialic acid derivative. The sialic acid derivative has been defined as being an O-acyl derivative as supported by the specification as originally filed. Moreover, the specification clearly sets forth the inventive carbohydrates are highly efficient inhibitors or receptor analogues and explains the known mechanism of operation

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of the carbohydrates of the present invention. Based on these explanations, taking into consideration the level of skill of one of ordinary skill in the art as set forth in the background of the invention, and permissible routine experimentation, one of ordinary skill in the art would find the specification enabling for the full scope of the amended claims now present in the application. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claims 1-13 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention has been carefully considered but is most respectfully traversed in view of the amendments to the claims and the following comments.

Applicants submit that the features mentioned in claim 24 are self-explanatory features and can be found in almost any patent applications dealing with pharmaceutical compositions. This claim has the purpose of stating that the sialyzed carbohydrates of claim 14 can be present together with other known and suitable ingredients and auxiliary agents.

Applicants further submit that the formula II has been incorporated into the claim in order to more clearly define the different possibilities of the meaning of the radical V. The formula II has to be seen in connection with the meaning of the radical V being a carbohydrate residue or a carrier T. Then the carbohydrate units have the formula II. The meaning of n is the same as for the formula I. In this regard, the Examiner's attention is most respectfully directed to the first full paragraph on page 5 of Applicants' specification. This clearly points out that formula II is part of formula I. It is the carbohydrate unit(s) portion(s). In formula I it is the portion identified by the +-----+ designation as would be appreciated by one of ordinary skill in the art. Accordingly, it is most respectfully requested that this rejection be withdrawn.

Applicants most respectfully submit that all of the claims now present in the application are in full compliance with 35 USC 112 and are clearly patentable over the references of record.


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The provisional rejection of claim 10 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 3 and 7 of co-pending Application No. 10/148,193 has been carefully considered but is most respectfully traversed. It is noted that these are provisional rejections and therefore it is most respectfully requested that any requirement for filing a Terminal Disclaimer with respect to these applications be held in abeyance until there is an indication of allowable subject matter in one of the applications and then appropriate action will be taken therein.

The rejection of claim 10 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 6 and 9-10 of U.S. Patent No. 6,576,251 has been carefully considered but is most respectfully traversed. Applicants most respectfully submit that the '251 patent deals with carbohydrate mixtures for foods and pharmaceuticals wherein the carbohydrates have a different chain length (certain mono, di- and polysaccharide distribution). Furthermore, fucose has to be present which is nowhere mentioned in the present application. Accordingly, it is most respectfully requested that this rejection be withdrawn.

In view of the above comments and further amendments to the specification and claims, favorable reconsideration and allowance of all the claims now present in the application are most respectfully requested.

Respectfully submitted,
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